

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JUAN ROSARIO,
a/k/a FELIX RIVERA,
a/k/a MANUEL ROSARIO TEJADA

CRIMINAL NO. *03m - 1096 - JCA*

AFFIDAVIT IN SUPPORT OF RULE 5 PROCEEDING

I, Christian Brackett, Special Agent of the United States Drug Enforcement Administration, do hereby make oath before the Honorable Judith G. Dein, United States Magistrate Judge for the District of Massachusetts, that upon personal knowledge coming to me in connection with my official duties there was issued a one-count indictment (criminal number H-CR-05-326) and warrant of arrest for one Juan Rosario in the United States District Court for the Southern District of Texas for a violation of Title 21, United States Code, Section 846 (conspiracy to distribute cocaine).

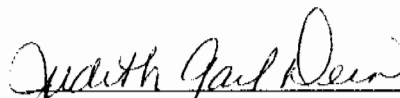
I do hereby make oath that on this date, August 9, 2005, I executed said warrant by arresting Juan Rosario in Saugus in the District of Massachusetts. I further make oath that as of this date the above-referenced indictment remains outstanding in the

Southern District of Texas.



Christian Brackett
Special Agent
U.S. Drug Enforcement
Administration

Subscribed and sworn to before me this ninth day of August,
2005.



JUDITH G. DEIN
United States Magistrate Judge

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

WAIVER OF RULE 5 & 5.1 HEARINGS

(Complaint/Indictment)

V.

CASE NUMBER: 05m-1096-JGD

JUAN ROJAS

CHARGING DISTRICTS

CASE NUMBER: 05-326

Defendant
AIKIA EDWARD SOTO

I understand that charges are pending in the Southern District of TEXAS

alleging violation of CONSPIRACY TO DISTRIBUTE COCAINE and that I have been arrested in this district and
(Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- () identity hearing
- () preliminary hearing
- (☒) identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

7/9/05
Date

Eduardo Rojas
Defendant

[Signature]
Defense Counsel

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

JUAN ROSARIO,
a/k/a FELIX RIVERA,
a/k/a MANUEL ROSARIO TEJADA

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) CRIMINAL NO. 05m-1096-J6D
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REMOVAL ORDER

This matter arises out of the defendant's arrest in the District of Massachusetts pursuant to a warrant issued by the United States District Court for the Southern District of Texas. The defendant is currently charged by indictment with one count of conspiracy to distribute cocaine in violation of Title 21, United States Code, Section 846. At the defendant's initial appearance before this Court on August 9, 2005, the government moved for removal pursuant to Fed. R. Crim. P. 5 and for detention pending removal, pursuant to 18 U.S.C. § 3143(a). At that time he waived his right to a detention hearing. He further assented to his removal to the Southern District of Texas, the district of jurisdiction. WHEREFORE, it is hereby ORDERED that the defendant be held to answer in the Southern District of Texas and that he be detained pending his removal to that district.

Judith G. Dein
JUDITH G. DEIN
U.S. MAGISTRATE JUDGE